



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 24 जून, 1987/3 आषाढ़, 1909

हिमाचल प्रदेश सरकार

पंचायती राज विभाग

अधिसूचना

शिमला-2, 24 जून, 1987

संख्या पी०सी० एच-एच० ए०(1) 8/87.—हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश पंचायती राज ऐक्ट, 1968 की धारा 74 तथा धारा 3 (बी) के अध्ययन सहित धारा 163 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सरकार की अधिसूचना संख्या 4/2/71-सी० डी० पी० (पी० एन० टी०)-II, तारीख 2 जुलाई, 1973 द्वारा अधिसूचित पंचायत समिति (को-ग्रुपेशन आफ मैम्बरज) रूल्ज, 1973 में निम्नलिखित संशोधन करने का प्रस्ताव करते हैं और ये जन साधारण की सूचना के लिए शासकीय राजपत्र में एतद्द्वारा प्रकाशित किए जाते हैं और इसके द्वारा सूचना दी जाती है कि नियमों के प्रारूप संशोधन पर इसके शासकीय राजपत्र में प्रकाशित किये जाने की तारीख से 15 दिन के पश्चात् विचार किया जायेगा।

यदि इस से प्रभावित होने वाला कोई व्यक्ति नियमों के प्रारूप संशोधन के बाबत कोई आक्षेप करना या सुझाव देना चाहे तो वे ऐसा आक्षेप/सुझाव, उक्त अवधि की समाप्ति से पूर्व सचिव (पंचायत), हिमाचल प्रदेश सरकार को भेज सकेंगे। इस प्रकार से प्राप्त आक्षेपों

या सुझावों पर यदि कोई हो, इन नियमों के प्रारूप संशोधन को अंतिम रूप देने से पूर्व विचार किया जायेगा :—

प्रारूप संशोधन

Short title
and com-
mencement.

1. (1) These rules may be called the Himachal Pradesh Panchayat Samitis (Co-option of Members) (Amendment) Rules, 1987.

(2) These shall come into force at once.

Amend-
ment of
rule 2.

2. For the existing clause (c) of rule 2 of the Himachal Pradesh Panchayat Samitis (Co-option of Members) Rules, 1973 (hereinafter referred to as the "said rules") the following shall be substituted, namely :—

“(c) ‘Primary member’ means a member referred to in clause (a) of section 63 of the Act.

Substi-
tution of rule
3.

3. For the existing rule 3 of the said rules, the following shall be substituted, namely :—

“3 (1) As soon as possible after the oath is taken by the Pradhans of Gram Panchayats under section 10 of the Act, the Deputy Commissioner concerned or any Gazetted Officer appointed by him in this behalf, (hereinafter referred to as ‘Presiding Officer’), shall convene a meeting of all primary members at the office of the Panchayat Samiti or at such other place as he may determine in this behalf for the purpose of oath or affirmation of allegiance as provided under section 68 of the Act and for co-opting members as required under clause (b) of section 63 of the Act. Such meeting shall be convened after giving five days’ clear notice to the primary members.

(2) The notice referred to in sub-rule (1) shall state,—

- (i) the date, time and place of meeting;
- (ii) the number of women elected as Pradhans, and the number, if any, of women to be co-opted;
- (iii) the number of persons belonging to Scheduled Castes, elected as Pradhans and the number, if any, of such persons to be co-opted; and
- (iv) two persons out of the office bearers of the co-operative societies within the jurisdiction of the Panchayat Samiti to be co-opted under sub-clause (III) of clause (b) of section 63 of the Act.

(3) Soon after the names of the members, co-opted under clause (b) of section 63, are notified and published in the Official Gazette, but before the election of the chairman and vice-chairman of the Panchayat Samiti, the Deputy Commissioner or any gazetted officer, appointed by him, shall notify the time, date and place for the purpose of administering oath or affirmation of allegiance to such co-opted members and administer the same on the date and place so appointed.”

4. For the existing sub-rule (2) of rule 5 of the said rules, the following shall be substituted, namely:—

Amendment of rule, 5.

“(2) Only those persons may be proposed for co-option who are,—

- (i) Panches for the purpose of co-option under section 63 b (i) and (ii);
- (ii) office bearers of Co-operative Societies for the purpose of co-option under section 63 b (iii).

5. For the existing rule 6 of the said rules, the following shall be substituted, namely:—

Substitution of rule 6.

“6. (1) The Presiding Officer shall read out the particulars of the persons proposed to be co-opted to all the Primary Members present and also to explain to them,—

- (a) the purpose for which the meeting has been called;
- (b) the number of women, persons belonging to Scheduled Castes to be co-opted;
- (c) the disqualifications laid down in sections 63 and 64 of the Act; and
- (d) the need to co-opt only those persons who have agreed to serve on the Panchayat Samiti, if co-opted.

(2) After satisfying himself that the persons whose names have been proposed are eligible for being co-opted, the Presiding Officer shall, if the number of Scheduled Caste candidates or women candidates or persons representing co-operative societies is equal to or less than the number of persons belonging to these categories, to be co-opted, declare such candidates as co-opted. If the number of candidates exceeds the number of persons to be co-opted, he shall call upon all the Primary Members to co-opt the members by secret ballot, in the manner hereinafter laid down.”

6. For the existing rule 7 of the said rules, the following rule 7 shall be substituted, namely :—

Substitution of rule 7.

“7. (1) The Presiding Officer shall provide at the place, where the meeting is held, three voting compartments, one for women candidates, one for Scheduled Caste candidates and the third for persons representing Co-operative Societies, to be co-opted, in which members can cast their votes without being overseen. The Presiding Officer shall also provide three sealed ballot boxes, one for each category and shall place them in such a manner that they can be visible to him during polling. The ballot boxes shall be so made that ballot papers can be inserted therein but cannot be withdrawn therefrom without the boxes being unlocked or opened.

(2) Immediately before the commencement of the poll, the Presiding Officer shall show the ballot boxes in an open

condition to all the members present, so that they may check up that the boxes are empty. The Presiding Officer shall thereafter lock the ballot boxes and affix his seal upon them in such a manner as to prevent their being opened without breaking seals.

(3) Every member wishing to vote shall be supplied with a ballot paper in Form 'B' for the co-option of women, a ballot paper in Form 'C' for the co-option of persons belonging to Scheduled Castes and a ballot paper in Form 'C-1' for the co-option of persons representing Co-operative Societies, on which the names of the contesting candidates shall be printed, typed or legibly written in "Hindi" in alphabetical order.

The ballot papers shall be signed by the Presiding Officer before being handed over to the members. The ballot paper for the co-option of Scheduled Castes candidates shall be supplied after the Member has exercised his right to vote for the co-option of women candidates, and ballot paper for co-option of option of persons representing Co-operative Societies thereafter.

(4) The member shall, on receiving the ballot paper, proceed to the place set apart for voting and place a cross mark ("X") in column (3) of the ballot paper against the name or names of the candidates for whom he wishes to vote, with a red or blue Pencil.

(5) Each member shall have a right to cast as many votes for Scheduled Caste candidates as there are number of persons belonging to such castes to be co-opted and as many votes for women candidates as the number of women to be co-opted and two votes for persons representing Co-operative Societies to be co-opted.

(6) He/She shall then fold the ballot paper to ensure secrecy, and insert it in the ballot box.

(7) In case of a member who is illiterate or blind or otherwise physically incapacitated from voting, the Presiding Officer shall, on his or her request, take him or her to the place set apart for voting, after ascertaining his or her choice, and mark the ballot paper accordingly, fold it to ensure secrecy and insert it in the ballot box.

(8) The Presiding Officer shall cause all necessary arrangements to be made as will ensure secrecy of the ballot.

(9) Every member wishing to cast his vote shall do so in person and not by proxy.

(10) Immediately after the voting is over, the Presiding Officer shall open the ballot boxes and count the votes, separately for women, Scheduled Castes and the Co-operative Societies candidates

in the presence of such members who may be present and declare the results in the following manner:—

- (a) the candidate who is found to have obtained the largest number of valid votes, or if more than one is to be co-opted, the candidates upto the number of persons to be co-opted who are found to have obtained the largest number of valid votes shall be declared to have been co-opted; and
- (b) in the event of a number of contesting candidates polling the same number of votes, the Presiding Officer shall draw lots in the presence of members and the candidate or candidates whose name or names is or are first drawn shall be declared to have been duly co-opted.

11. The results shall be declared in Form 'D'.

7. For the existing Form 'A' appended to the said rules, the following shall be substituted, namely:—

Substitution
of Form 'A'.

"FORM 'A'

(See rule 5)

1. Name of the district
2. Name of the Panchayat Samiti
3. Name of persons proposed
4. Age
5. Sex
6. Address
7. Caste to which he/she belongs
8. Co-operative society which he represents
9. Full name and particulars of proposer with name of the Panchayat or Panchayats he represents
10. Full name and particulars of seconder with name of the Panchayat or Panchayats he represents

Note.—Item 7 is to be filled up only in the case of members of Scheduled Castes and item 8 to be filled up only in case of persons representing co-operative societies."

DECLARATION BY PROPOSER AND SECONDER

We, the proposer and seconder, hereby declare that the person proposed does not suffer from any of the disqualification laid down in sections 63 and 64 of the Himachal Pradesh Panchayati Raj Act, 1968 and that he/she is willing to serve as a member of the Panchayat Samiti, if co-opted.

We further declare that the person proposed is eligible under sub-rule (2) of rule 5 of the Himachal Pradesh Panchayat Samitis (Co-option of members Rules, 1973 for being co-opted as a member.

Dated:

Signature of Proposer
(Name and address)

Signature of Secunder
(Name and address)

DECLARATION BY THE CANDIDATES

I,, the above-mentioned candidate, hereby assent to this nomination and declare that I am prepared to serve as a member of the Panchayat Samiti.....if co-opted.

Date:

(Signature of candidate)."

Addition
Form C-I.

8. After Form 'C' appended to the said rules, the following new Form "C-1" shall be added, namely:—

"FORM 'C-1'

[See sub-rule (3) of rule 7]

BALLOT PAPER FOR CO-OPTION OF PERSONS REPRESENTING
CO-OPERATIVE SOCIETIES

S. No.	Name and particulars of candidates	For mark (×) by voter
1.	
2.	
3.	
4.	

Signature of Presiding Officer."

Substitution
of Form 'D'.

9. For the existing Form 'D' appended to the said rules, the following shall be substituted, namely:—

"FORM 'D'

[See sub-rule (11) of rule 7]

Name of district.....

Name of Panchayat Samiti.....

Number of primary members present:—

(1)

(2)

(3)

Number of persons to be co-opted :(a) *Women* (b) *Scheduled Castes* (c) *Co-operative Societies*

Name and full address of persons co-opted:

(a) *Women:*

(1)

(2)

(b) *Scheduled Castes:*

(1)

(2)

(c) Co-operative Societies:

- (1)
(2)

Date:

Signature of Presiding Officer,

Signature or thumb impression with name of primary members Present.

1.
2.
3.
4.
5.
6.
7. etc....."

10. For the existing Form 'E' appended to the said rules, the following shall be substituted, namely:—

Subscription of Form E.

"FORM 'E'
(See rule 9)

Name of district.....
Name of Panchayat Samiti
Date, time and place of meeting.....
Number of primary members present.....
Names of persons, if any, co-opted, without election.....

(a) Women (b) Scheduled castes (c) office bearers of Co-operative Societies.

- (1) (1) (1)
(2) (2) (2)
Name of person co-opted by election:

(a) Women (b) Scheduled Castes (c) Office bearers of Co-operative Societies

- (1) (1) (1)
(2) (2) (2)

Signature of Presiding Officer."

आदेश द्वारा,
सचिव

